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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the Application of: Bruce A. Mosley et al.

Docket No.: 2301-US-DIV6

Serial No.: 10/688,495

Group Art Unit: 1646

Filing Date: October 17, 2003

Examiner: Xie, Xiaozhen

For: ANTIBODIES TO INTERLEUKIN-4 RECEPTORS
AND USES THEREOFTERMINAL DISCLAIMER TO OBIATE A PROVISIONAL DOUBLE
PATENTING REJECTION OVER A PRIOR PATENTMail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Petitioner, Immunex Corporation is the owner of the entire interest in the instant application.

Petitioner hereby disclaims the terminal part of any patent granted on the above-identified application, which would extend beyond the expiration date of the full statutory term as presently shortened by any terminal disclaimer of U. S. Patent No. 5,717,072, and hereby agrees that any patent so granted on said above-identified application shall be enforceable only for and during such period that the legal title to said patent shall be the same as the legal title to U. S. Patent No. 5,717,072, this agreement to run with any patent granted on said above-identified application and to be binding upon the grantee, its successors, or assigns.

Petitioner does not disclaim any terminal part of any patent granted on said above-identified application that would extend to the full statutory term as presently shortened by any terminal disclaimer of U. S. Patent No. 5,717,072 in the event that said U. S. Patent No. 5,717,072 later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321(a), has all claims canceled by a re-examination certificate, is

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USSN: 10/688,495
Terminal Disclaimer
June 27, 2007Immunex Corporation
2301-US-DIV6

reissued, or is otherwise terminated prior to the expiration of its statutory term as presently shortened by any terminal disclaimer, except for the separation of legal title stated above.

The instant application and U.S. Patent No. 5,717,072 are commonly owned by virtue of an Assignment from the Inventors, said Assignment being recorded in the Patent and Trademark Office at Reel 5272, Frame 0846.

The undersigned has reviewed the attached assignment documents and certifies that, to the best of the undersigned's knowledge and belief, title is in the assignee identified above.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Please charge the required fee pursuant to 37 CFR §1.20(d), in the amount of \$130.00 to Deposit Account No. 09-0089. The Commissioner is hereby authorized to charge any additional fee that may be required, or to credit any overpayment, to Deposit Account No. 09-0089. This paper is submitted in duplicate.

Respectfully submitted,

Nathan A. Machin
Attorney/Agent for Applicant(s)
Registration No.: 47,763
Phone: (206) 265-8779
Date: June 27, 2007Please send all future correspondence to:
22932Immunex Corporation
Law Department
1201 Amgen Court West
Seattle, Washington 98119-3105
(206) 265-7000